



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003581

Applicant Name: Mithun Architects

Address of Proposal: 2030 8th Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow construction a two-story, three-unit townhouse structure in an environmentally critical area. Parking for three vehicles to be provided within the structure. Project includes 3,400 cubic yards of grading and demolition of existing structures.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☒ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site: Lowrise Two (L2); virtually entire site designated steep slope and potential slide ECAs. Limited exemption from steep slope standards granted by William Bou on 23 November 2005. No exceptional trees were noted on the site.

Proposed Use: Three-unit townhouse.

Public Comment: Several letters were received, opposing the project based on traffic and parking impacts, excessive density of development in the area, and geotechnical stability concerns.

ANALYSIS - SEPA

SMC 25.05.908 provides that the scope of environmental review of projects below SEPA thresholds but within geologically sensitive critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Department. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

Short-term Impacts

Construction of the proposed townhouse structure may have short-term impacts on the environment; however, temporary soil erosion impacts on the identified critical areas (steep slope/landslide prone) will be limited and relatively minor.

Several adopted codes and/or ordinances provide mitigation for temporary soil erosion. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA's with identified geologic hazards. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Due to the fact that grading will be undertaken during construction, additional analysis of earth and soils impacts are warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soil report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant submitted a soils report dated 18 November 2005 prepared by PanGEO, which was reviewed by the DPD Land Use Planner and DPD geotechnical staff. The construction plans, including shoring of excavations as needed and erosion control techniques are being reviewed by DPD (under Application Number 6069410) to ensure compliance with the ECA regulations. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts on the identified environmentally critical area.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no further conditioning is necessary.

Parking

A concern has been expressed about adequacy of parking. However, analysis of parking impacts and imposition of mitigation is not allowed under the ruling authority for ECA-triggered SEPA reviews.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the conditions found at the end of this document pursuant to SEPA policies will mitigate any adverse impacts from the development.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (C).

CONDITIONS - SEPA

Non-Appealable requirements:

Prior to Issuance of any Demolition Permit

1. The owner(s) and/or responsible party(s) shall forward Puget Sound Clear Air Agency (PSCAA) all information necessary to assess and mitigate likely air impacts at least 10 days in advance of the demolition of any structures on site greater than 120 sq. ft.

Signature: _____ (signature on file) Date: August 21, 2006
Paul Janos, Land Use Planner
Department of Planning Development

PJ:bg

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